



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 11 2013

REPLY TO THE ATTENTION OF:

Tony Sullins, Field Supervisor
Twin Cities Minnesota Field Office
United States Fish and Wildlife Service
4101 E. 80th Street
Bloomington, MN 55425-1665

Dear Mr. Sullins:

Pursuant to Section 7 of the Endangered Species Act, (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the U. S. Environmental Protection Agency has reviewed the biological information and analysis related to a Prevention of Significant Deterioration permit for a proposed project by Flint Hills Resources (Flint Hills), Rosemount, Minnesota facility to determine what impact there may be to any threatened or endangered species. The purpose of this letter is to seek concurrence from the U. S. Fish and Wildlife Service (USFWS) on our determination that the proposed project may affect but is not likely to adversely affect any federally listed species in relation to the proposed air quality permit for this facility.

Flint Hills is planning a #3crude/coker improvement project that includes two separate projects and a sulfur dioxide emissions reduction project. Flint Hills provided a complete analysis of impacts from the proposed expansion on May 17, 2013. The analysis was prepared by Barr Engineering.

EPA contacted USFWS on May 2, 2013 to obtain a list of endangered or threatened species that are present within the action area or could be affected by emissions from the proposed project. EPA has defined the action area, as a starting point, to be a 3 kilometer radius from the emissions stacks. It has been shown that, in most cases, the maximum deposition of pollutants will occur within this area. USFWS responded by stating that no records of the Higgins-eye pearly mussel (*Lampsilis higginsii*) have been reported within 3 kilometers of the facility. However, recent records indicate that the Higgins-eye pearly mussel has been sighted approximately 4.5 kilometers away in the Mississippi River. Therefore, potential effects on the Higgins eye were considered by EPA.

The analysis performed by Barr Engineering provides an estimate of impacts from the expansion. Although the analysis from Barr Engineering finds that endangered species will not be affected outside the facility boundaries, EPA finds that there may be some additional impact to threatened or endangered species from the expansion. However, we conclude that the additional impact is insignificant with respect to background and

selected benchmarks. This is mainly due to the fact that the increase in particulate metals and hazardous air emissions will be small and will likely deposit within close proximity to the emissions stack.

Based on the information submitted, EPA finds that the proposed project may affect, but is not likely to adversely affect any endangered or threatened species. If you have any questions with respect to this letter, please contact Jennifer Darrow of my staff at (312) 886-6315.

Sincerely,

A handwritten signature in cursive script that reads "Danny Marcus for".

Genevieve Damico, Chief
Air Permits Section

cc: Tarik Hanafy, MPCA